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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------|
| 10/810,402   | 03/29/2004  | Christopher Lanci    | 28,477-A                 | 8990             |
| 7590   | 07/22/2005  |                      |                          |                  |
| Charles E. Temko<br>22 Marion Road<br>Westport, CT 06880 |             |                      | EXAMINER<br>GREEN, BRIAN |                  |
|  |             |                      | ART UNIT<br>3611         | PAPER NUMBER     |

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/810,402

Applicant(s)

LANCI, CHRISTOPHER

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

### **DETAILED ACTION**

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the groove in the frame element defined in claim 4 must be shown or the feature(s) canceled from the claim(s). The element labeled numeral "24" in figure 2 does not appear to be a groove. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roundtree (U.S. Patent No. 718,281) in view of Colbert et al. (U.S. Patent No. 1,802,170).

Roundtree shows in figures 1-2 a peripheral frame element (11), a transparent cover glass (1), a frame (3) on the inner surface of the cover glass, a print (2) within the smaller frame (3), and a template (9) corresponding to the size of the cover glass, and positioning the template and cover glass within the frame element (11). Roundtree does not disclose printing a legend onto the template. Roundtree discloses that the template includes a grain thereon (see page 1, lines 80-81) and may include other ornamentals besides wood grain, see page 1, lines 99-102. Colbert et al. shows in figures 1 and 2 and discloses on page 1, lines 65-72 the idea of printing/lithographing indicia onto a border portion (5). In view of the teachings of Colbert et al. it would have been obvious to one in the art to modify Roundtree by printing a legend onto the template (9) since this would create a more aesthetically pleasing and amusing display device.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roundtree (U.S. Patent No. 718,281) in view of Colbert et al. (U.S. Patent No. 1,802,170) as applied to claim 1 above and further in view of Janetzke (U.S. Patent No. 6,612,061).

Roundtree in view of Colbert et al. disclose the applicant's basic inventive concept except for printing stored computer data onto the template. As discussed above, Roundtree discloses the idea of placing a grain on the template and other ornaments besides wood grain and Colbert teaches the idea of printing indicia onto a border/template. Janetzke discloses in column 2, lines

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20-65 the idea of printing stored computer data onto a picture frame. In view of the teachings of Janetzke it would have been obvious to one in the art to modify Roundtree by printing stored computer data onto the template since this would allow the indicia to be attached to the template in an easier, faster, and more aesthetically pleasing manner. In regard to claim 3, all of the desired indicia would be printed onto the template would be printed at the same time in order to save time. It is considered within one skilled in the art to place any indicia on the template as desired.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roundtree (U.S. Patent No. 718,281) in view of Colbert et al. (U.S. Patent No. 1,802,170) as applied to claim 1 above and further in view of Dedlow (U.S. Patent No. 5,243,777).

Roundtree in view of Colbert et al. disclose the applicant's basic inventive concept except for providing a frame element having a groove for receiving the cover glass. Dedlow shows in figures 1-10 a frame that includes a groove (see figure 3) for receiving and holding a cover glass (44), picture, and backing. In view of the teachings of Dedlow it would have been obvious to one in the art to modify Roundtree by providing a frame with a groove therein since this would allow the cover glass and the rest of the assembly to be attached to and removed from the frame in an easier and faster manner, would protect the cover glass from being damaged, and would allow the cover glass and the rest of the assembly to be attached and removed from a vertical wall surface in an easier and faster manner.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert et al. (U.S. Patent No. 1,802,170) in view of Dedlow (U.S. Patent No. 5,243,777).

Colbert et al. shows in figures 1-2 a transparent cover glass (1), a frame (3) on the inner surface of the cover glass, a photograph (see page 1, lines 53-54) within the smaller frame (3), and a template (5) corresponding to the size of the cover glass. Colbert et al. discloses on page 1, lines 65-72 the idea of printing indicia on the template (5). Colbert et al. discloses the applicant's basic inventive concept except for placing the cover glass within a frame. Dedlow shows in figures 1-10 a frame that includes a groove (see figure 3) for receiving and holding a cover glass (44), picture, and backing. In view of the teachings of Dedlow it would have been obvious to one in the art to modify Colbert et al. by placing the cover glass within a frame since this would help to protect the cover glass from being damaged and would allow the cover glass and the rest of the assembly to be attached to and removed from a vertical wall surface in an easier and faster manner. In regard to claim 4, Dedlow shows in figure 3 that the frame includes a groove.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert et al. (U.S. Patent No. 1,802,170) in view of Dedlow as applied to claim 1 above and further in view of Janetzke (U.S. Patent No. 6,612,061).

Colbert et al. in view of Dedlow disclose the applicant's basic inventive concept except for printing stored computer data onto the template. As discussed above, Colbert teaches the idea of printing indicia onto a border/template. Janetzke discloses in column 2, lines 20-65 the idea of printing stored computer data onto a picture frame. In view of the teachings of Janetzke

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it would have been obvious to one in the art to modify Colbert et al. by printing stored computer data onto the template since this would allow the indicia to be attached to the template in an easier, faster, and more aesthetically pleasing manner. In regard to claim 3, all of the desired indicia would be printed onto the template would be printed at the same time in order to save time. It is considered within one skilled in the art to place any indicia on the template as desired.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert et al. (U.S. Patent No. 1,802,170) in view of Roundtree (U.S. Patent No. 718,281).

Colbert et al. shows in figures 1-2 a transparent cover glass (1), a frame (3) on the inner surface of the cover glass, a photograph (see page 1, lines 53-54) within the smaller frame (3), and a template (5) corresponding to the size of the cover glass. Colbert et al. discloses on page 1, lines 65-72 the idea of printing indicia on the template (5). Colbert et al. discloses the applicant's basic inventive concept except for placing the cover glass within a frame element. Roundtree shows in figure 1 a frame (11) that receives a cover glass (1) therein. In view of the teachings of Roundtree it would have been obvious to one in the art to modify Colbert et al. by placing the cover glass within the frame since this would allow the cover glass and the rest of the assembly to be attached to and removed from a vertical wall surface in an easier and faster manner.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert et al. (U.S. Patent No. 1,802,170) in view of Roundtree as applied to claim 1 above and further in view of Janetzke (U.S. Patent No. 6,612,061).

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Colbert et al. in view of Roundtree disclose the applicant's basic inventive concept except for printing stored computer data onto the template. As discussed above, Colbert teaches the idea of printing indicia onto a border/template. Janetzke discloses in column 2, lines 20-65 the idea of printing stored computer data onto a picture frame. In view of the teachings of Janetzke it would have been obvious to one in the art to modify Colbert et al. by printing stored computer data onto the template since this would allow the indicia to be attached to the template in an easier, faster, and more aesthetically pleasing manner. In regard to claim 3, all of the desired indicia would be printed onto the template would be printed at the same time in order to save time. It is considered within one skilled in the art to place any indicia on the template as desired.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Itano and Kelly teaches the use of a cover glass that includes frame section formed thereon. Timmer teaches the use of a template that includes a background printed thereon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
July 19, 2005